



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,206	08/10/2001	Sui-Hing Leung	10013995	6990

7590 05/20/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,206

Applicant(s)

SUI-HING LEUNG, CUPERTINO

Examiner

David Q Nguyen

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Examiner Amendment

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Attorney Trueman Denny III (44652) on 05/04/2004.

3. The application has been amended as follow:

Claims 21-22 have been cancelled.

In the claim 19, page 15, line 5, "The apparatus of claim 10" has been changed to --- The apparatus of claim 11---.

In the claim 20, page 15, line 9, "The apparatus of claim 10" has been changed to --- The apparatus of claim 11---.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-8 and 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Weber et al (US 6343212).

Regarding claim 1, Weber et al disclose a method for automatically disabling an audible alarm in a cell phone, comprising the steps of: determining whether the cell phone has received a non-audible control signal (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21); automatically disabling an audible alarm when the non-audible mode or control signal is received (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21); automatically enabling a non-audible alarm to notify a user of an incoming call when the non-audible control signal is received (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21; col. 10, lines 22-35).

Regarding claim 11, Weber et al disclose an apparatus for automatically disabling an audible alarm in a cell phone, comprising: a receiver for receiving a non-audible mode signal (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21); a speaker coupled to the receiver which generates an audible sound to notify a user of an incoming call (see col. 10, lines 22-35); a processor coupled to the speaker which automatically disables an audible alarm when the non-audible mode signal is received and which automatically enables a non-audible alarm to notify a

Art Unit: 2681

user of any incoming calls when the non-audible mode signal is received (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21; col. 10, lines 22-35).

Regarding claims 2-5 and 12-15, Weber et al also disclose the step of disabling the audible alarm for as long as the non-audible control signal is being received by the cell phone (see col. 7, lines 8-12); the step of automatically reactivating the audible alarm and disabling the non-audible alarm when the cell phone stops receiving the non-audible control signal (see col. 9, lines 10-34); the step of disabling the audible alarm for a fixed, pre-determined amount of time (see col. 9, lines 9-45); the step of automatically reactivating the audible alarm and disabling the non-audible alarm after the fixed, pre-determined amount of time has elapsed (see col. 9, lines 9-45).

Regarding claims 6-7 and 16-17, Weber et al also disclose the step of activating a blinking light to notify the user of the incoming call when the non-audible control signal is received (see col. 10, lines 22-35); the step of activating a vibration unit to notify the user of the incoming call when the non-audible control signal is received (see col. 10, lines 22-35).

Regarding claims 8 and 18, Weber et al also disclose the step of overriding the non-audible control signal (see col. 9, line 35 to col. 10, lines 21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2681

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (US 6343212) in view of Kamel et al (US 6496531).

Regarding claims 9-10 and 19-20, the method of Weber et al is silent to mention the step of broadcasting the non-audible control signal as an omni-directional RF signal; the step of transmitting the non-audible control signal as a directional RF signal. However, Kamel et al disclose transmitting signal between base station and mobile station as a directional RF signal or omni-directional RF signal (see col. 5, lines 33-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Kamel et al to Weber et al in order to provide enough non-audible control signal to users in a protected area so that all mobile stations are automatically disabled and an audible alarm in the restricted areas.

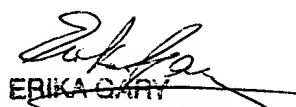
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN
David Nguyen


ERIKA GARY
PATENT EXAMINER